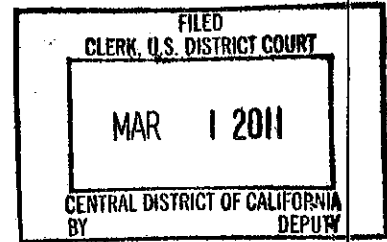


**CONFORM COPY**



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8 Attorneys for Plaintiff  
9 U.S. Energy Technologies, Inc. dba  
10 U.S. Lighting Tech.

11  
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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

U.S. Energy Technologies, Inc. (dba  
U.S. Lighting Tech.), a California  
corporation,

Plaintiff,

vs.

Deco Lighting, Inc., an entity of  
unknown status, residing in  
California, and DOES 1 through 9,  
inclusive.

Defendants.

CASE NO. SACV 11-329 JST  
(RNBx)

COMPLAINT FOR:

1. PATENT INFRINGEMENT
2. TRADE DRESS INFRINGEMENT
3. UNFAIR COMPETITION

DEMAND FOR JURY TRIAL

1 Plaintiff U.S. Energy Technologies, Inc. dba U.S. Lighting Tech  
2 (“U.S. Light”) hereby alleges as follows:  
3

4 JURISDICTION AND VENUE

5 1. This is an action for patent infringement, trade dress  
6 infringement, and unfair competition under federal and state law against  
7 Defendant Deco Lighting, Inc. (“Deco”).  
8

9 2. Plaintiff US Light seeks injunctive relief and defendant’s  
10 profits pursuant to 35 U.S.C. §289, against Defendant Deco for  
11 infringement of US Light’s United States Design Patent No. D624,685.  
12 Plaintiff US Light also seeks enhanced damages and attorneys’ fees and  
13 costs of suit for Defendant’s willful infringement of the aforementioned  
14 patent.  
15

16 3. Plaintiff US Light seeks injunctive relief only against  
17 Defendant Deco for infringement of of US Light’s trade dress and waives  
18 any claims for damages related thereto.  
19

20 4. Plaintiff US Light seeks injunctive relief against Defendant  
21 Deco for unfair competition under California state and common law and  
22 waives any claims for damages related thereto.  
23

24 5. Upon information and belief, Defendant Deco has egregiously  
25 manufactured or caused to be manufactured, sold and offered for sale line-  
26 for-line copies or “knockoffs” of Plaintiff U.S. Light’s Jersey Series of  
27 streetlights in violation of U.S. Light’s aforementioned intellectual  
28 property rights.

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8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1391(c), as Defendant Deco resides in this district, is subject to personal jurisdiction in this district, and because a substantial portion of the events giving rise to this action occurred in this district.

9. Plaintiff U.S. Light is a California corporation with its principal place of business located at 14370 Myford Road, Suite 100, Irvine, CA 92606.

3

11. The defendants named herein as Does 1 through 9, inclusive are unknown to plaintiff U.S. Light, who therefore sues such "Doe" defendants by such fictitious names. U.S. Light is informed, believes and thereon alleges that each fictitiously named "Doe" defendant is in some manner, means or degree responsible for the events and happenings herein alleged. U.S. Light will amend this complaint to assert the true names and capacities of the fictitiously designated "Doe" defendants when the same have been ascertained.

### BACKGROUND FACTS

12. Plaintiff U.S. Light was founded in 2005 with the goal of developing advanced lighting products that generate more light using less energy than those heretofore known. Plaintiff U.S. Light is now one of the country's leading manufacturers of induction lighting products and holds patents directed to its proprietary technologies.

13. In particular, Plaintiff U.S. Light is the owner of U.S. Patent No. D624,685 ("the '685 patent") entitled "STREETLIGHT." Appended to this complaint as Exhibit "A" is a copy of the '685 patent. The patent is valid and enforceable and has been validly assigned to U.S. Light. Plaintiff's Jersey series of streetlights embody in all respects the design of the '685 patent.

14. The market for streetlights in the United States is comprised primarily of city, county and state municipalities which issue requests for quotations, i.e. solicit competitive bids, for streetlights. Subsequent to the issue date of the '685 patent, Plaintiff U.S. Light learned that Defendant

1 Deco was competing for streetlight bids with an allegedly new product  
2 termed by Defendant the "Anaconda" series ("the accused product").  
3  
4

5 15. Investigation of Defendant Deco's on-line catalog revealed  
6 that the accused Anaconda product was, upon information and belief, a  
7 line-for-line copy or "knockoff" of U.S. Light's Jersey series of lights  
8 which embody in all respects the '685 patent. A copy of the relevant  
9 pages of the online catalog of Defendant Deco's accused Anaconda series  
10 is appended hereto as Exhibit "B."  
11

12 16. U.S. Light is informed and believes and thereon alleges that  
13 Defendant Deco is importing or manufacturing its knockoff streetlights and  
14 has sold and is selling the knockoff streetlights in direct competition with  
15 U.S. Light's genuine products in violation of U.S. Light's patent rights.  
16

17 17. Upon information and belief, in October of 2010, Plaintiff  
18 U.S. Light and Defendant Deco submitted bids in direct competition  
19 pursuant to a request for quotations issued by VMEU, a New Jersey  
20 municipality. Plaintiff U.S. Light is informed and believes that it and  
21 Defendant Deco are presently in direct competition on other streetlight  
22 contracts will continue to be in direct competition until Defendant Deco is  
23 enjoined by this Court from selling the accused products.  
24

25 18. On or about October 19<sup>th</sup>, 2010, Plaintiff U.S. Light sent  
26 Defendant Deco a cease & desist letter informing Deco of Plaintiff's patent  
27 rights and its intent to enforce those rights if Defendant did not withdraw  
28 its knockoff lights from the market. Defendant refused to comply.

1 Rather, despite having full knowledge of Plaintiff's patent rights,  
 2 Defendant has willfully continued to infringe those rights by offering, and  
 3 upon information and belief, selling its knockoff products to municipalities  
 4 and other users of streetlights.

5  
 6 19. Plaintiff U.S. Light's Jersey series of induction street lights  
 7 are of a novel ornamental appearance and color as evidenced by the lack of  
 8 any similar appearing streetlights in the marketplace (other than the  
 9 accused products). U.S. Light exclusively paints its Jersey series lights the  
 10 color green being in keeping with U.S. Light's image as a manufacturer of  
 11 eco friendly products.

12  
 13 20. Upon information and belief, no other manufacturer of  
 14 streetlights paints their lights green with the sole exception of Defendant  
 15 Deco's knockoff lights. The combination of the ornamental features of the  
 16 Plaintiff's Jersey Series streetlights and their green color constitute  
 17 Plaintiff's protectable trade dress. Photographs of Plaintiff's Jersey series  
 18 of lights are appended hereto as Exhibit "C."

19  
 20 21. More specifically, U.S. Light's protectable trade dress  
 21 includes at least the following: (1) four longitudinal ribs which flow along  
 22 the top of housing; (2) a hump on the top of the housing that slopes  
 23 downwardly to meet the longitudinal ribs; (3) four vertical fins that run  
 24 along each side of the back of the housing; (4) a sloping depression on the  
 25 back of each side of the housing which highlights the four vertical fins on  
 26 each such side; (5) a series of vertical fins (approximately 31) which run  
 27 along the back cover of the housing; and, (6) the color green.

28

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1           22. U.S. Light developed the ornamental features of its trade  
2 dress and adopted the color green for its lights for the specific purpose of  
3 distinguishing its lights from those of its competitors. Defendant Deco, in  
4 producing its knockoff lights, has copied each and every of these  
5 distinguishing features.

6  
7           23. U.S. Light is informed and believes that its trade dress has  
8 acquired secondary meaning among consumers of streetlights who now  
9 associate U.S. Light as being the sole source of its distinctive Jersey series  
10 of green streetlights.

11  
12           24. The goodwill acquired by U.S. Light through its innovative  
13 design and marketing of its Jersey series of lights is now being threatened  
14 by Deco's entry into the market with the accused knockoff products which  
15 are identical in appearance in all respects to Plaintiff's Jersey series of  
16 lights.

17  
18           25. Deco's introduction to the market of its green color knockoff  
19 lights severely harms U.S. Light's business goodwill in its Jersey lights  
20 because it confuses purchasers of streetlights with regard to the source of  
21 the lights. Upon information and belief, Deco's infringing conduct  
22 confuses purchasers of streetlights by causing them to believe that Plaintiff  
23 U.S. Light licenses or in some manner sponsors or is affiliated with  
24 Defendant Deco's manufacture and sale of Plaintiff's lights.

25  
26                   DEFENDANT DECO'S UNLAWFUL CONDUCT

27  
28           26. Beginning at a time presently unknown to U.S. Light,

1 Defendant Deco began importing and selling (or manufacturing and  
2 selling) a line-for-line copy of U.S. Light's patented Jersey Series  
3 streetlight. Defendants unauthorized knockoff streetlights incorporate each  
4 and every feature of the novel ornamental appearance claimed in the '685  
5 patent and embodied in Plaintiff's Jersey streetlight.

6  
7 27. Moreover, Defendant Deco's knockoff products include all of  
8 the novel ornamental features of Plaintiff's lights along with their  
9 distinguishing green color which makes Defendant's lights confusingly  
10 similar to U.S. Light's trade dress comprising the shape and green color of  
11 its Jersey series lights.

#### 12 INJURY TO PLAINTIFF U.S. LIGHT

13  
14  
15 28. Defendant Deco is not an authorized distributor of Plaintiff  
16 U.S. Light's products and is not in any other way affiliated or associated  
17 with U.S. Light. Defendant is not licensed to make, import, use, offer to  
18 sell, or sell lights that embody the novel ornamental features of the '685  
19 patent. Nor is Defendant authorized to use U.S. Light's trade dress.

20  
21 29. Plaintiff U.S. Light has no control over the nature and quality  
22 of the knockoff streetlights sold by Defendant that infringe Plaintiff's trade  
23 dress. Likewise, U.S. Light has no control over the quality of customer  
24 service offered by Defendant, and further has no control over the  
25 warranty, if any, offered by Defendant in connection with its knockoff  
26 products. Plaintiff U.S. Light's business goodwill with respect to its  
27 Jersey series streetlights, upon information and belief, has suffered and  
28 will continue to suffer as a result of Defendant's actions.

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1  
2 30. Defendant Deco's wrongful, unauthorized use of U.S. Light's  
3 trade dress, if permitted to continue, will irreparably harm U.S. Light, its  
4 reputation, and goodwill. Defendant's wrongful use of U.S. Light's trade  
5 dress dilutes the strength of the trade dress and tarnishes the image and  
6 reputation of U.S. Light among city, county, and state purchasing  
7 managers responsible for purchasing streetlights, as well as among other  
8 consumers of streetlights.

9  
10 31. U.S. Light has developed its goodwill among consumers of  
11 streetlights by supplying high quality, innovative products. Defendant  
12 Deco is now free riding into the market on the back of U.S. Light's  
13 innovative engineering and design by willfully infringing the '685 patent  
14 and by copying U.S. Light's trade dress shape and color in the process.

### 15 16 **FIRST CAUSE OF ACTION**

17 **(For Patent Infringement of U.S. Patent No. D624,685**  
18 **as against all defendants)**  
19

20 32. Plaintiff U.S. Light realleges and incorporates paragraphs 1  
21 through 31 as though fully set forth herein.  
22

23 33. U.S. Light's '685 patent has at all relevant times subsequent  
24 to its lawful issue date been fully enforceable and is now fully enforceable.  
25

26 34. Beginning at a time presently unknown to U.S. Light,  
27 Defendant Deco has infringed the '685 patent by manufacturing or causing  
28 to be manufactured or importing, using, selling, and offering to sell

1 products that come within the scope of the claim of the patent. Upon  
 2 information and belief, Defendant Deco's infringing acts are continuing at  
 3 the present time.

4  
 5 35. By manufacturing, importing, and selling its infringing  
 6 streetlights, Deco is contributing to and/or inducing infringement by the  
 7 city, county and state municipalities that purchase streetlights.

8  
 9 36. The making, selling, offering to sell or importing of infringing  
 10 products by Defendant, and/or contributing to, and/or inducing the  
 11 infringing activities of others, have been without authority or license from  
 12 U.S. Light and in violation of U.S. Light's rights, thereby infringing the  
 13 '685 Patent.

14  
 15 37. Defendant's infringement of U.S. Light's '685 Patent has been  
 16 willful and in complete disregard of the exclusive rights of U.S. Light as  
 17 set forth in its patent.

18  
 19 38. The amount of money damages which U.S. Light has suffered  
 20 due to Defendants' acts of infringement cannot be determined without an  
 21 accounting of Defendants' sales, and thus is subject to proof at trial.

22  
 23 39. Pursuant to 35 U.S.C. §289, U.S. Light is entitled to a  
 24 complete accounting of all revenue derived by Defendant from the  
 25 unlawful conduct alleged herein.

26  
 27 40. The harm to U.S. Light arising from Defendant's acts of  
 28 infringement of U.S. Light's '685 Patent are not fully compensable by

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1 money damages. Rather, U.S. Light has suffered and continues to suffer  
 2 irreparable harm which has no adequate remedy at law and which will  
 3 continue unless Defendant's conduct is enjoined.

4  
 5 41. U.S. Light is therefore entitled to a preliminary injunction, to  
 6 be made permanent upon entry of judgment, preventing Defendant from  
 7 further infringement.

8  
 9 42. Moreover, Defendant's infringement of the '685 patent has  
 10 been willful, deliberate, and in conscious disregard of U.S. Light's rights  
 11 thereby rendering this an exceptional case within the meaning of 35  
 12 U.S.C. § 285. Therefore, U.S. Light is further entitled to recover its  
 13 actual attorneys' fees and costs.

14  
 15 **SECOND CAUSE OF ACTION**  
 16 **(For Trade Dress Infringement,**  
 17 **as against all defendants)**  
 18

19 43. Plaintiff U.S. Light realleges and incorporates paragraphs 1  
 20 through 42 as though fully set forth herein.

21  
 22 44. The housing of U.S. Light's Jersey series streetlight has a  
 23 distinct shape, appearance and color which in combination constitute U.S.  
 24 Light's trade dress for the product.

25  
 26 45. More specifically, U.S. Light's protectable trade dress  
 27 includes at least the following: (1) four longitudinal ribs which flow along  
 28 the top of housing; (2) a hump on the top of the housing that slopes

1 downwardly to meet the longitudinal ribs; (3) four vertical fins that run  
 2 along each side of the back of the housing; (4) a sloping depression on the  
 3 back of each side of the housing which highlights the four vertical fins on  
 4 each such side; (5) a series of vertical fins (approximately 31) which run  
 5 along the back cover of the housing; and, (6) the color green.

6  
 7 46. The shape, size, ornamental features, appearance and color of  
 8 the trade dress for Plaintiff U.S. Light's streetlights is nonfunctional,  
 9 fanciful, arbitrary and inherently distinctive and has acquired secondary  
 10 meaning in the eyes of the consuming public.

11  
 12 47. Defendants' knockoff streetlights are so similar in shape, size,  
 13 appearance and color to plaintiff U.S. Light's streetlights, that the public is  
 14 likely to be confused as to the source, sponsorship or approval of  
 15 Defendant's streetlights.

16  
 17 48. U.S. Light is informed and believes and thereon alleges that  
 18 defendants' have copied U.S. Light's trade dress for the specific purpose  
 19 of *free riding* on the goodwill associated by the consuming public solely  
 20 with U.S. Light's trade dress and/or for deceiving the consuming public  
 21 with respect to the source of Defendant's goods.

22  
 23 49. By reason of Defendant's acts of trade dress infringement, as  
 24 alleged above, plaintiff U.S. Light has suffered and will continue to suffer  
 25 irreparable injury unless and until this Court enters an order enjoining  
 26 Defendant Deco from any further acts of trade dress infringement.

27  
 28

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**THIRD CAUSE OF ACTION**  
**(For Unfair Competition Under California's**  
**Bus. & Prof. Code §17200)**

50. Plaintiff U.S. Light realleges and incorporates paragraphs 1 through 49 as though fully set forth herein.

51. The above described acts of Defendant Deco misrepresent that Plaintiff U.S. Light is the source or sponsor or licensor of Defendant's knockoff streetlights, and that an affiliation, connection, or association exists between Plaintiff U.S. Light and Defendant Deco, or create the impression that Plaintiff is not the source of its lights, but rather is merely a distributor of a third party's lights, in violation of California Business and Professions Code section 17200.

52. Defendant Deco's willful acts of trade dress infringement are likely to cause, and upon information and belief have caused and are causing great and irreparable injury to plaintiff U.S. Light's trade dress and to the business goodwill represented thereby. Unless Defendant Deco is restrained, Plaintiff U.S. Light will have no adequate remedy at law that will compensate for the continued and irreparable harm it will suffer if Defendant's acts are allowed to continue.

53. Defendant Deco's engagement in the sale of products, substantially similar or identical to those sold by plaintiff U.S. Light under a confusingly similar trade dress, via the competitive bidding process used by the principle purchasers of streetlights, and otherwise through the same channels of distribution, upon information and belief, has created actual

1 consumer confusion as to the source of Defendant Deco's products, and as  
 2 to the ownership, affiliation or sponsorship of Defendant by Plaintiff U.S.  
 3 Light.

4  
 5 **PRAYER FOR RELIEF**

6  
 7 WHEREFORE, Plaintiff prays for relief as follows:

8  
 9 A. With regard to all claims, for an order preliminarily and  
 10 permanently enjoining Defendant Deco and Does 1-9, and each of them,  
 11 and their officers, directors, agents, servants, attorneys, and employees  
 12 and all other persons acting in concert with them from committing any  
 13 further acts of patent and/or trade dress infringement, including but not  
 14 limited to, manufacturing, importing, advertising and selling the accused  
 15 products;

16  
 17 B. With regard to the patent infringement claim, only, for an  
 18 order seizing and impounding all of the accused products;

19  
 20 C. With regard to the patent infringement claim, only, for an  
 21 order requiring Defendant Deco and Does 1-9, and each of them, pursuant  
 22 to 35 U.S.C. §289, to account to Plaintiff for all revenue and profits  
 23 derived by Defendants and each of them from the manufacture, use,  
 24 importation, offering for sale and sale of the accused products;

25  
 26 D. With regard to the patent infringement claim, only, for an  
 27 award of Defendants' profits pursuant to 35 U.S.C. § 289 in an amount to  
 28

1 be proven a trial, and for prejudgment and post-judgment interest until the  
2 award is fully paid;

3  
4 E. With regard to the patent infringement claim, only, a  
5 judgment that Defendants have willfully and deliberately infringed  
6 Plaintiff's rights, and that this is an exceptional case entitling Plaintiff to  
7 enhanced damages;

8  
9 F. With regard to the patent infringement claim, only, for  
10 plaintiff U.S. Light's attorneys' fees and costs of suit pursuant to 35  
11 U.S.C. §285; and

12  
13 G. For such other and further relief as this Court may deem just  
14 and equitable under the circumstances.

15  
16 Dated: February 28, 2011

CISLO & THOMAS, LLP

17  
18  
19  
20 By: 

David B. Sandelands

Daniel M. Cislo

21  
22 Attorneys for Plaintiff U.S.  
23 LIGHTING TECH, INC.  
24  
25  
26  
27  
28

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**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. Proc. 38(b), Plaintiff demands a jury trial on all claims for relief herein triable by a jury.

CISLO & THOMAS LLP

Dated: February 28, 2010

By:



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Daniel M. Cislo

Attorneys for Plaintiff U.S.  
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# Exhibit A



US00D624685S

(12) **United States Design Patent**  
**Ham et al.**

(10) **Patent No.:** **US D624,685 S**

(45) **Date of Patent:** **\*\* Sep. 28, 2010**

(54) **STREET LIGHT**

(75) Inventors: **Richard K. Ham**, Irvine, CA (US);  
**Kyungfan Moon**, Fullerton, CA (US);  
**Byung Il Ham**, Palos Verdes, CA (US)

(73) Assignee: **U.S. Energy Technologies, Inc.**, Irvine, CA (US)

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/351,987**

(22) Filed: **Dec. 15, 2009**

(51) **LOC (9) Cl.** ..... **26-05**

(52) **U.S. Cl.** ..... **D26/71; D26/85**

(58) **Field of Classification Search** ..... D26/67-71,  
D26/85, 92; 362/20, 145, 183, 249.02, 249.03,  
362/249.04, 249.06, 249.16, 231, 431  
See application file for complete search history.

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\* cited by examiner

*Primary Examiner*—Clare E Heflin

(74) *Attorney, Agent, or Firm*—Sheppard, Mullin, Richter & Hampton LLP

(57) **CLAIM**

The ornamental design for a street light, as shown and described.

**DESCRIPTION**

FIG. 1 is a front elevation view of the street light.

FIG. 2 is a rear elevation view of the street light.

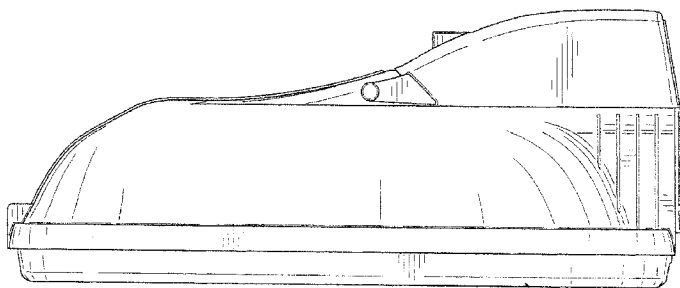
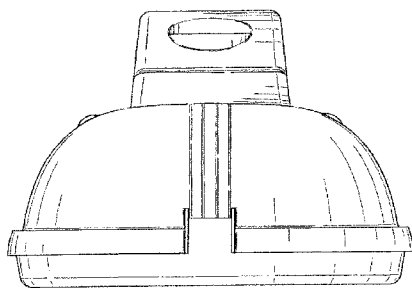
FIG. 3 is a right side elevation view of the street light.

FIG. 4 is a left side elevation view of the street light.

FIG. 5 is a top plan view of the street light; and,

FIG. 6 is a bottom plan view of the street light.

**1 Claim, 5 Drawing Sheets**



**U.S. Patent**

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Sheet 1 of 5

**US D624,685 S**

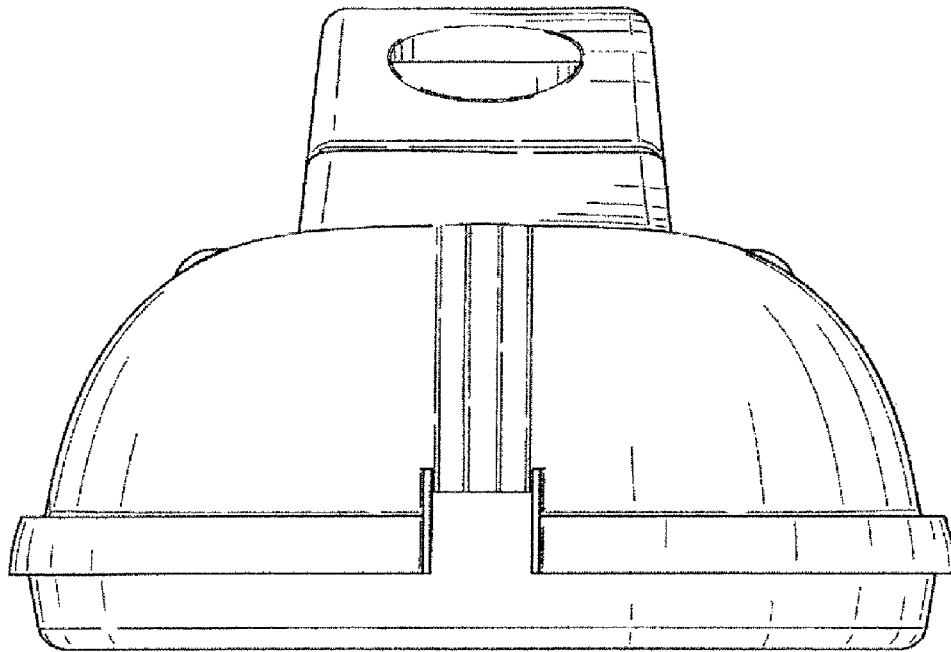


FIG. 1

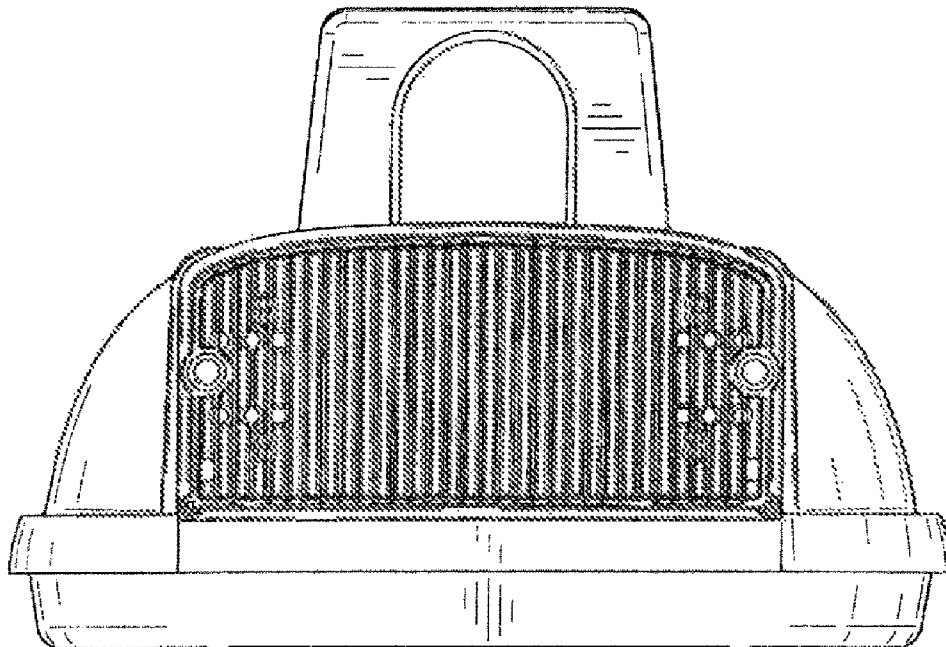


FIG. 2

**U.S. Patent**

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**US D624,685 S**

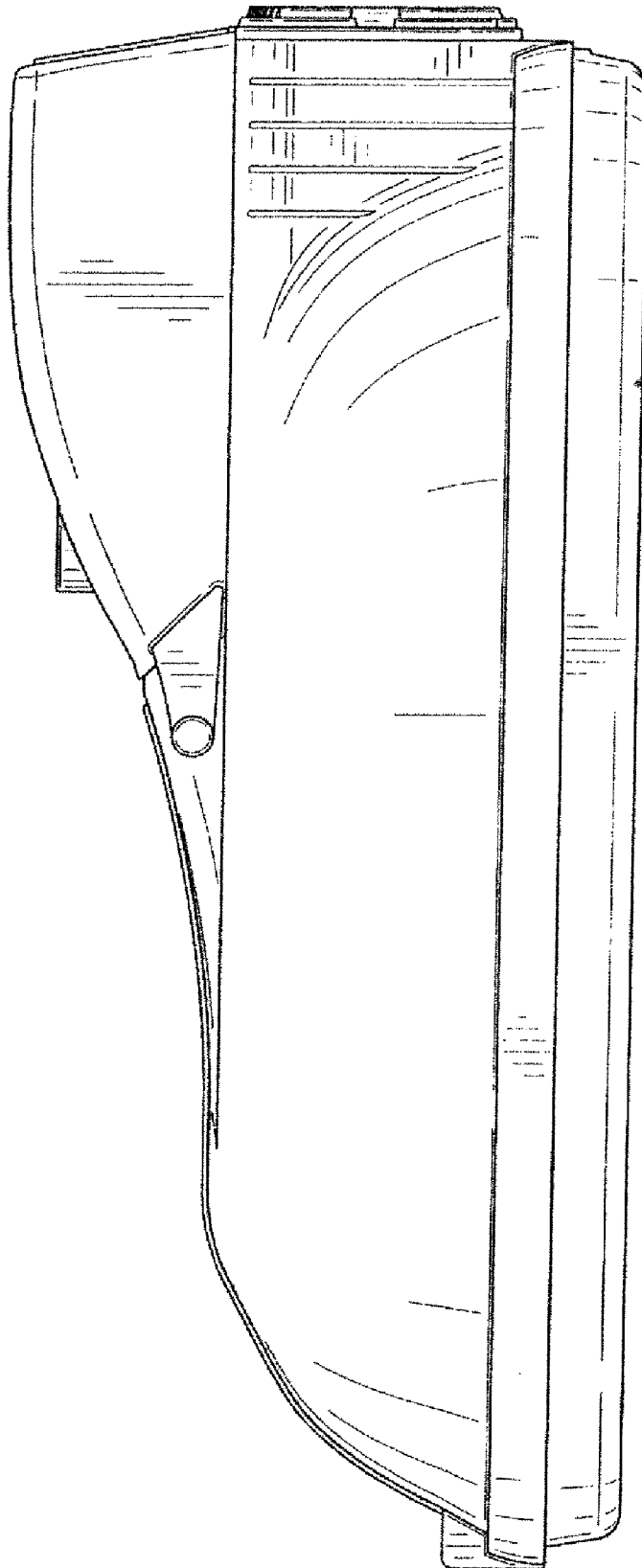


FIG. 3

**U.S. Patent**

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**US D624,685 S**

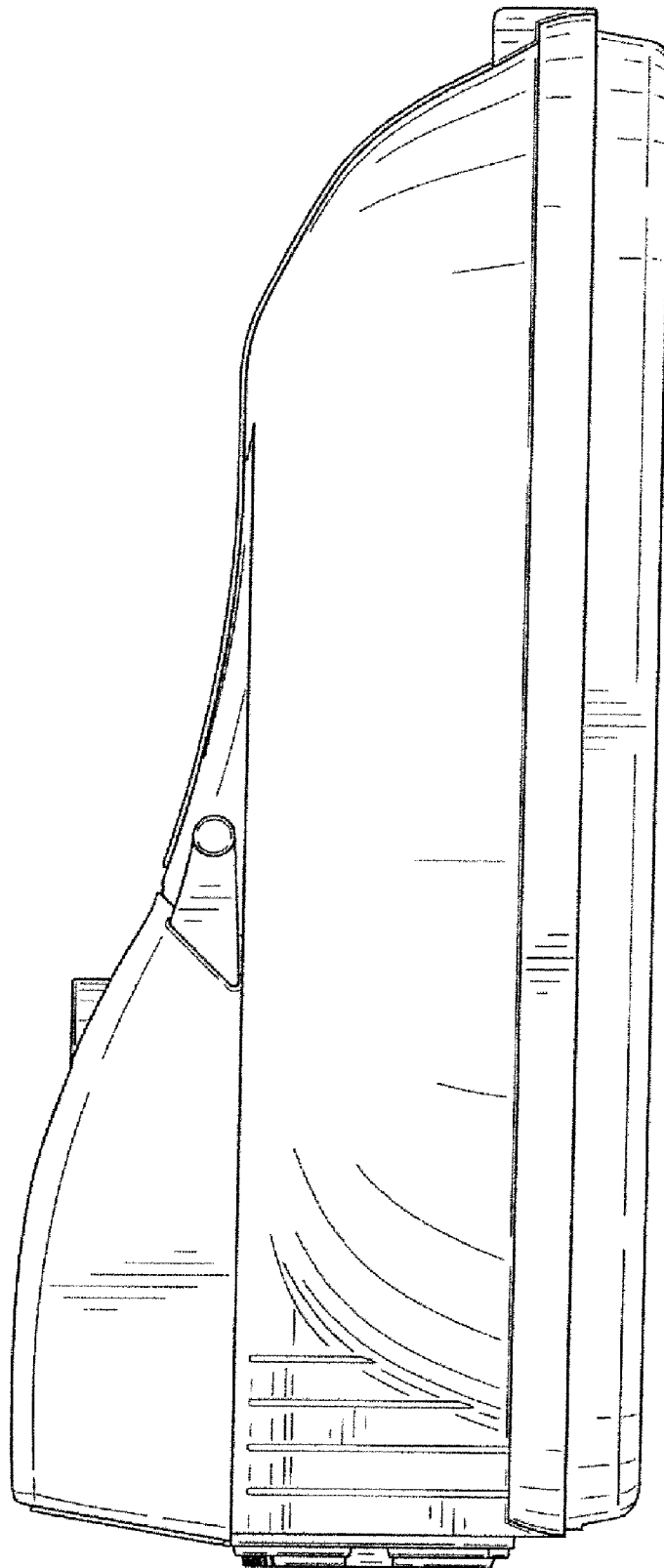


FIG. 4

**U.S. Patent**

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**US D624,685 S**

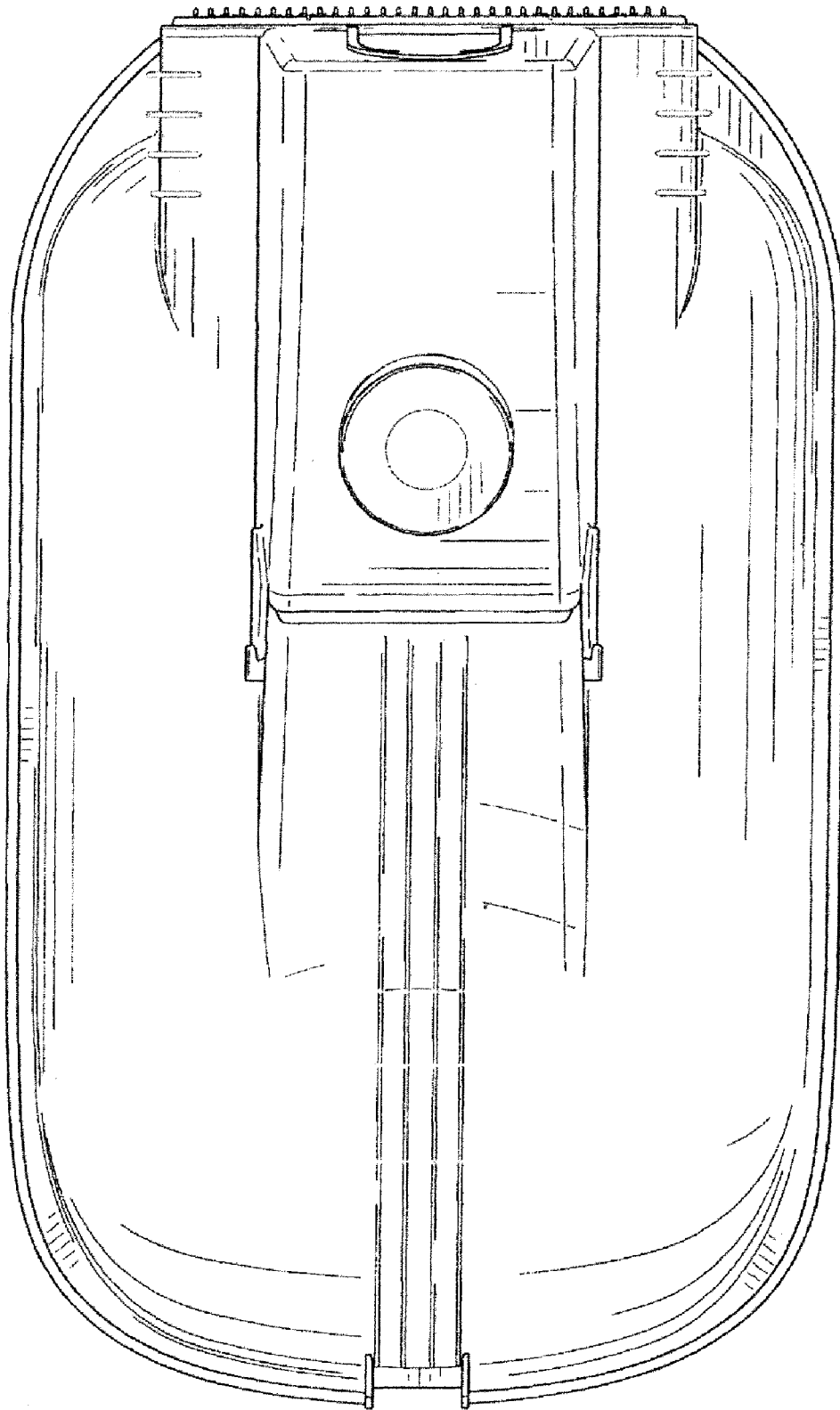


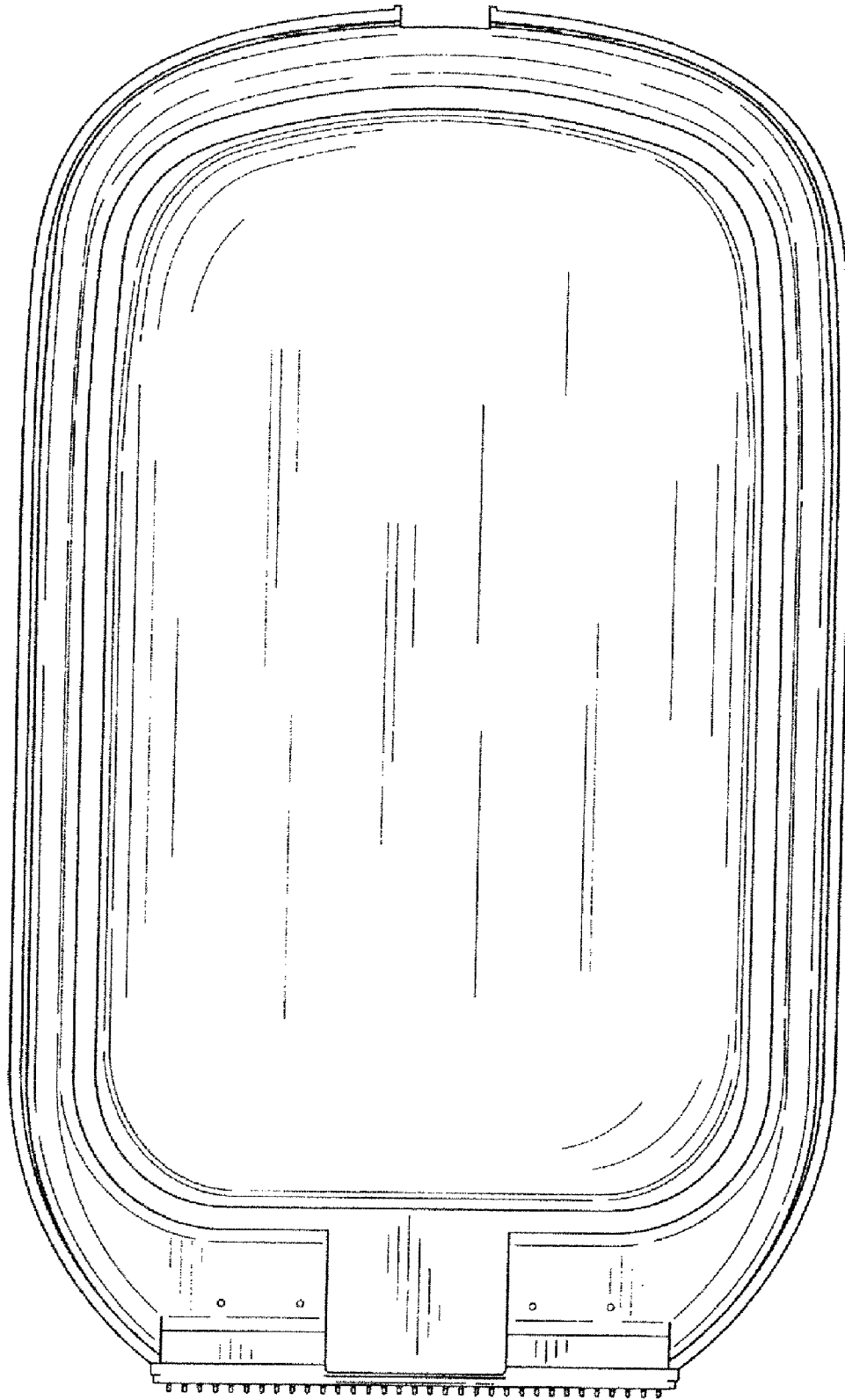
FIG. 5

**U.S. Patent**

**Sep. 28, 2010**

**Sheet 5 of 5**

**US D624,685 S**



**FIG. 6**

# Exhibit B

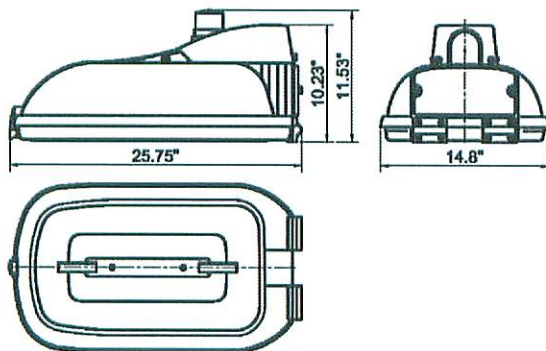


**Induction** lighting**D8628i**

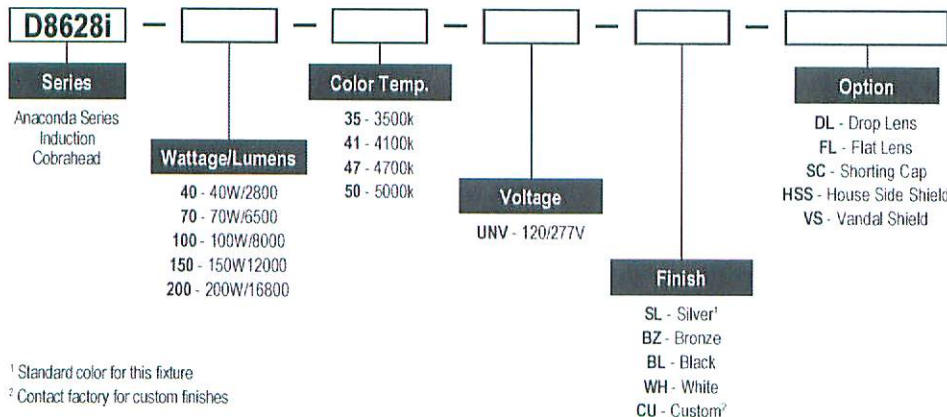
Anaconda Series - Induction Cobrahead



anaconda

**Dimensions****ORDERING INFORMATION:**

Example: (D8628i-40-50-UNV-SL-DL)

<sup>1</sup> Standard color for this fixture<sup>2</sup> Contact factory for custom finishes**Job Information**

Type:

Catalog #:

Project:

Comments:

Prepared by:

**Description**

The Anaconda Induction cobrahead luminaire provides the latest green technology, energy saving solution for streetlighting, highways, and general area illumination. Proprietary, high quality Sylvania Induction lamp & generator deliver 100,000 hour life, superior efficiency, excellent 85 CRI color, instant-on, no restrike, and cold temperature starting to minus -40 C/F degrees. Anaconda is the ideal luminaire to replace inefficient HID cobraheads, providing energy cost savings of 50% and long term savings of 3 to 10 cycles of relamping maintenance costs. The Anaconda features a compact, streamlined die-cast aluminum housing and polyester powder coat finish for durability and weather resistance. Stainless steel front latch and oversize knurled fasteners provide tool-less, rapid access to lamp and electrical compartments.

**Features**

- 100,000 hour lamp life for substantial relamp savings
- High efficiency for 50% or more in energy savings
- High 85 CRI for excellent color. Choice of warm to cool temperature lamps
- Instant On, Instant Restrike
- Electrode-less lamp for superior vibration resistance
- High efficiency anodized aluminum reflector
- Precision die-cast aluminum housing for durability
- Electrostatically applied polyester powder coat finish for durability, corrosion and weather resistance
- Tempered glass lens with full silicone gasketing
- Tool-less, rapid access to lamp and electrical compartments with stainless steel front latch and oversize knurled fasteners
- Terminal block and NEMA photocell receptacle
- Fully adjustable bolt mast arm mount for 1.25 in. to 2 in. (1.625 in. to 2.325 in. O.D.) diameter arms
- IP65 Protection Class Rating (dust and low water pressure)
- U.L. Listed

Induction Lighting DECO<sup>TM</sup> LIGHTING

**Induction** lighting**D8628i**

Anaconda Series - Induction Cobrahead

*Additional Photos***Job Information**

Type:

Catalog #:

Project:

Comments:

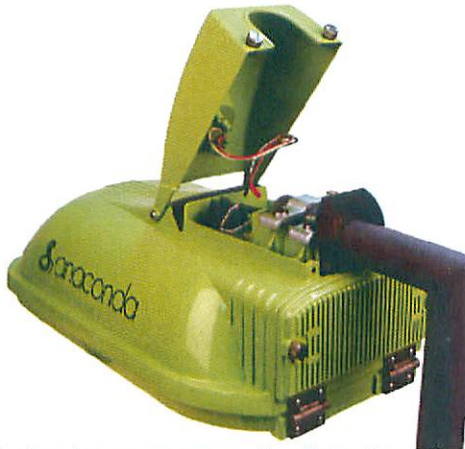
Prepared by:



Lamp Detail



Heavy duty stainless steel front latch opens lens door for maintenance access to reflector and Induction lamp. No tools needed.



Top housing cover opens easily with two knurled oversize stainless steel captive fasteners. No tools needed. Provides convenient access for mast arm mounting and electrical connections.



Rear housing cover opens easily with two knurled oversize stainless steel captive fasteners. No tools needed. Provides convenient access to Induction generator.

Induction Lighting **DECO**™ | LIGHTING

# Exhibit C

































**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Josephine Tucker and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

**SACV11- 329 JST (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

U.S. ENERGY TECHNOLOGIES, INC. (dba U.S.  
Lighting Tech.), a California corporation,

PLAINTIFF(S)

v.

DECO LIGHTING, INC., an entity of unknown  
status, residing in California, and DOES 1 through 9,  
inclusive,

DEFENDANT(S).

CASE NUMBER

SACV 11-329 - JST  
(RNBx)

**SUMMONS**

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
David B. Sandelands, Esq., whose address is:

CISLO & THOMAS LLP  
1333 2nd Street, Suite 500  
Santa Monica, California 90401  
Tel.: (310) 451-0647  
Fax: (310) 394-4477

an answer to the ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim  
which is herewith served upon you within 21 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

Clerk, U.S. District Court

**TANYA DURANT**

By: \_\_\_\_\_  
Deputy Clerk



1188

(Seal of the Court)

Dated: 3-1-11



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**CONFORM COPY**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> U.S. ENERGY TECHNOLOGIES, INC. (dba U.S. Lighting Tech.), a California corporation	<b>DEFENDANTS</b> DECO LIGHTING INC., an entity of unknown status, residing in California, and DOES 1 through 9 inclusive,
<b>(b) County of Residence of First Listed Plaintiff</b> (Except in U.S. Plaintiff Cases): Orange County	<b>County of Residence of First Listed Defendant</b> (In U.S. Plaintiff Cases Only): Los Angeles
<b>(c) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  David B. Sandelands, Esq., No. 198,252; Daniel M. Cislo, Esq., No. 125,378 Cislo & Thomas LLP 1333 2nd Street, Suite 500 Santa Monica, CA 90401	<b>Attorneys</b> (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)  <table border="0"> <tr> <td>Citizen of This State</td> <td>PTF DEF</td> <td><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td>PTF DEF</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> <td></td> <td></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> <td></td> <td></td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5			Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6		
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5																
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6																
<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																			

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes    ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT:** \$ according to proof at trial

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. § 1051 et seq.

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	---	--

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No    ☐ Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: SACV 11-329

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Orange County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Los Angeles

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

**Note:** In land condemnation cases, use the location of the tract of land involved.

Los Angeles, Orange County

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date 2/28/11

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))